

## REMARKS

The Examiner has required restriction and election. Applicants chose I A a, claims 1-4, 29, 30 53 and 54 with traverse. Claim 41 has been made dependent on claim 1 and should be classified in the same group.

### **The finding of unrelated inventions**

The Examiner has determined that there are four inventions. In making this finding, the Examiner has quoted MPEP §806.04 and MPEP §808.01. This determination is based on a finding by the Examiner that the inventions "are not capable of use together *and* they have different modes of operation, different functions, or different effects," which is a quote from §806.04. The Examiner then goes on to say that "in the instant case the different inventions are distinct methods with different functions, none of which require any of the other methods to be performed." While the first quote is from the MPEP and defines the "unrelated invention" restriction, the second quotation does not match the first one. In fact, without discussing whether the "unrelated inventions" meet the requirements of the second quote, they certainly do not meet the requirement stated in the MPEP, since the application throughout describes all of the "unrelated inventions" as being performed together using the same equipment and signals.

For example, claims 55-56 are concerned with wire detection. However, wire detection (Invention IV) is disclosed as being a part of terrain mapping and/or obstacle detection. It is in fact one of the obstacles that is to be detected. Many of the claims in "invention" I are directed to determining the presence (detection) and/or orientation (mapping) of this type of obstacle. Similarly, claim 55 (Invention III) is indicated in the text as being used when wires are detected (page 22, lines 11-14). Claim 45 (Invention II) claims the use of interleaving or interlacing. In the disclosure this technique is described for use with mapping and/or obstacle detection (page 17, line 27 to page 18, line 25; page 28, lines 1-2; page 31, lines 29-32 and page 33, lines 1-2) and specifically with respect to wire detection (page 22, lines 15-18) it is a technique that is used throughout.

Using the definition of the MPEP, the "inventions" are related since they are disclosed as being capable of use together and are in fact described as being used together.

Applicant is at a loss to know how to continue this traverse, since the entire rest of the long restriction requirement is based on the division into inventions. Applicant submits, that if the Examiner were to restrict based on genus/species, then the groupings would be different and there would be fewer of them, making it easier for applicant to determine what should be

selected for examination. While there may be a basis for some restriction, the way the Examiner has presented it slices up the claims into little bits and pieces such that 58 claims are broken into 25 pieces (Invention I A a (i), a(ii), b (iii), b (iv), b (v), c, d (vi), d (vii), e, f, g(viii), g(ix), h, i, j (x), j(xi), j(xii) and k; Invention I B, Invention II C-F; Invention III G, H and Invention IV). Applicant notes that none of these groups has more than four claims and most have only one.

Applicant further submits that even were the Examiner to use the criteria of "independent inventions" as defined in §808.01 ("where they are not connected in design, operation or effect *under the disclosure of the particular application under restriction*" emphasis added), applicant would still consider that the division into four independent inventions was unjustified, since they are so connected, for the reasons given above.

This structure and the incorrect division into 4 unrelated inventions, makes it impossible for the undersigned to respond intelligently to this restriction requirement. In a telephone conversation with Examiner Barker on January 4, the undersigned explained that this level of restriction is unprecedented in his experience and that it did not conform to the MPEP. The Examiner agreed to discuss this with his supervisor.

Applicants respectfully request that, if the Examiner is unwilling to examine all the claims, that the restriction requirement be restated, hopefully with larger "compartments" in the spirit of 37 C.F.R. §1.141.

Note that some of the claims have been amended. Mainly these amendments are of a cosmetic nature and to correct obvious errors.

The undersigned can be reached at 1-877-428-5468, which is a toll free number in the US direct to the undersigned's office in Israel. Our work-week is Sunday to Thursday and the undersigned is usually in his office until noon Washington time. If he is out of the office, please leave a message.

Respectfully submitted,  
Haim NIV

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January 4, 2006

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